IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 17916 of 2004

Between:

S.J.Moses, S/o.S.Jhonson,
R/o.15/10D, Saibapeta, Nandikutker,
Kurnool Dist.

..... PETITIONER

AND

1 The Principal Secretary to the Govt.

Labour, Employment Training and, Practice
Department Lab-I, Secretary, Hyderabad.
2 Assistant Commissioner of Labour, Kurnool, Kurnool Dist.
3 Depot Manager, APSRTC, Kurnool-Depot, Kurnool Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus declaring the action of 1st Respondent in not referring the dispute to the Hon'ble labour Court or Tribunal to Adjudication u/s. 12(5) of I.D.Act is illegal, arbitrary, and unjust and set aside the proceedings No.L.R.No. 1411/Lab-I/A2/2002, dt.11-06-2002 and consequently direct the 1st respondent to refer the Dispute to the Hon'ble Labour Court (or) Tribunal for Adjudication.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondent No.1 & 2: GP FOR LABOUR

Counsel for the Respondent No.3: MR.P.VINAYAKA SWAMY, SC FOR APSRTC

The Court made the following:

ORDER:

Heard Sri G.Ravi Mohan, learned Counsel appearing for the petitioner, Sri P.Vinayaka Swamy, learned Standing Counsel appearing for the Corporation, and also the learned Assistant Government Pleader for Labour.

It is represented by the learned Counsel on either side that the question involved in this writ petition is squarely covered by an unreported judgment of this Court in W.P.No.10478 of 2004, dated 14-3-2005, which in turn followed a decision of the Apex court in ***Bidyadhar Mohapatra and others vs. District Labour Officer -cum- Conciliation Officer, Rourkela and others***. In the present case also, the reference is being rejected only on the ground of delay, which is unsustainable.

Following the said judgment, this writ petition is also allowed setting aside the impugned proceedings No.L.R.No.1411/Lab-I/A2/2002 dated 11-06-2002. The first respondent is directed to refer the dispute to the Labour Court for the purpose of adjudication. There shall be no order as to costs.

04-04-2005

LUR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the acting Chief Justice on this

Monday, the fourth day of April, Two thousand and five.

REGISTRAR

To

1 The Principal Secretary to the Govt.

Labour, Employment Training and, Practice
Department Lab-I, Secretary, Hyderabad.
2 The Assistant Commissioner of Labour, Kurnool, Kurnool Dist.
3 The Depot Manager, APSRTC, Kurnool-Depot, Kurnool Dist.

4 2 CCs to the Government Pleader for Labour, High Court

Buildings, Hyderabad. (OUT)

5 2 CD copies